



CANNON BUILDING  
861 SILVER LAKE BLVD., SUITE 203  
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STATE OF DELAWARE  
**DEPARTMENT OF STATE**  
DIVISION OF PROFESSIONAL REGULATION

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<b>PUBLIC MEETING MINUTES:</b>	<b>DELAWARE GAMING CONTROL BOARD</b>
<b>MEETING DATE AND TIME:</b>	<b>Thursday, July 10, 2008 at 1:00 p.m.</b>
<b>PLACE:</b>	<b>861 Silver Lake Boulevard, Dover, Delaware</b> Conference Room B, second floor of the Cannon Building
<b>MINUTES APPROVED:</b>	August 7, 2008

**MEMBERS PRESENT**

James Greene, Chairman, DE Volunteer Fireman's Association Member  
Deborah Messina, Vice-Chair, Public Member  
Brad Barrie, Public Member  
Thomas Trader, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

James Collins, Director, Division of Professional Regulation  
Debbie Heinsch, Administrative Specialist II  
Kay Warren, Deputy Director, Division of Professional Regulation  
Robert Willard, Deputy Attorney General

**ALSO PRESENT**

Rev. Jim Dulin, Go All In  
Ken Hogan,  
Joyce Talley, Premier Poker LLC  
Clarke Tobin, Nanticoke Chapter of Ducks Unlimited  
H. Mark Wischmann, Disabled American Veterans

**MEMBERS ABSENT**

Sharon McDowell

**CALL TO ORDER**

Mr. Greene called the meeting to order at 1:03 p.m.

**REVIEW OF MINUTES**

The Board reviewed the minutes of the meeting held on June 5, 2008. Mr. Trader made a motion, seconded by Ms. Messina to approve the minutes as presented. The motion was unanimously carried.

The Board reviewed the minutes of the public hearing held on June 5, 2008. Mr. Trader made a motion, seconded by Mr. Barrie to approve the minutes as presented. The motion was unanimously carried.

## **UNFINISHED BUSINESS**

### **Final Denials (Proposed to Deny – No Hearing Requested)**

## **NEW BUSINESS**

### **Review of Application for Texas Hold ‘Em Tournament(s)**

The Board reviewed the applications for South Bowers Fire Company, Inc. and Kiwanis Club Dover. Both organizations have applied for an event on September 5, 2008 with the same person(s) listed as tournament directors. Mr. Trader made a motion, seconded by Mr. Barrie to approve the events for September 5, 2008 contingent upon clarification (by Go All In) of who the tournament director of each event will be. The motion was unanimously carried. Rev. Dulin questioned if the Board would allow them to request a date change for one of the events. The Board determined that yes he could do such and it would be on the agenda for the August Board meeting.

### **Review of Original Charitable Gambling Application(s) - None**

**Review of Charitable Gambling Event Application(s)** - The Board reviewed the application for Oak Orchard Riverdale Unit 28 Auxiliary and their request to hold an event. Mr. Trader made a motion, seconded by Ms. Messina to table application pending receipt of clarification on “arm chair races”. The motion was unanimously carried.

### **Review of Original Bingo Application(s) - None**

### **Review of Bingo Event Applications**

The Board reviewed the application for Msgr. Francis J. Desmond Columbiettes Council 13348. On their original application the prize value was over \$1000.00, the organization resent the prize list back which included the original prize plus adding gift certificates thus increasing the prize value further. Ms. Messina made a motion, seconded by Mr. Trader to propose to deny with the right of the applicant to request a hearing. The motion was unanimously carried.

The Board reviewed the application for Sgt. William Lloyd Nelson #3792. Ms. Messina made a motion, seconded by Mr. Trader to approve contingent upon receipt of organizations bylaws in a timely manner. The events dated prior to receipt of the bylaws will not be permitted. The motion was unanimously carried.

### **Review of Raffle Application(s)– - None**

### **Review of Instant Bingo Application(s) - None**

### **Request to Change Date of Approved Event –**

Capitol City Lions Club is requesting changing the date of their previously approved event from September 18, 2008 to September 6, 2008 from 8:30 p.m. to 2:30 a.m. Mr. Barrie made a motion, seconded by Mr. Trader to approve the proposed change. Mr. Barrie and Mr. Trader voted in favor, Ms. Messina opposed, and Mr. Greene abstained. The motion was carried.

Dover Lioness Club is requesting changing the date of their previously approved event from August 15, 2008 to August 1, 2008. Mr. Barrie made a motion, seconded by Mr. Trader to approve the proposed change. Mr. Barrie, Ms. Messina, and Mr. Trader voted in favor, Mr. Greene abstained. The motion was carried.

Ladies of the Elks Dover Lodge 1903 is requesting changing the time of their previously approved event on July 11, 2008 from 7 p.m.-1 a.m. to 8:30 p.m. - 2:30 a.m. Mr. Trader made a motion, seconded by Mr. Barrie to approve the proposed change. Mr. Barrie and Mr. Trader voted in favor, Ms. Messina opposed, and Mr. Greene abstained. The motion was carried.

Ms. Messina read an e-mail from a non-profit concerning the time change and it clearly was not originated by them but by the 3rd party vendor Premier Poker, when asked Ms. Talley assured the Board it was a request from the non-profit which Ms. Messina disagreed with. Ms. Messina is opposed to any activity that may end after 1:00 a.m.

#### Approval of Licensure List–

Mr. Trader made a motion, seconded by Mr. Barrie to approve the Texas Hold Em Poker Tournament permits for: Oak Orchard-Riverdale American Legion Post No 28, Midway Lions Club, Bethany Beach Volunteer Fire Company, Roxana Volunteer Fire Company, Disabled American Veterans, Laurel Fire Department, Walter L. Fox Post No 2, Indian River Volunteer Fire Company Inc., Memorial Volunteer Fire Company, Bowers Fire Company, Inc., Cape Henlopen Elks Lodge #2540, and Masonic Home of Delaware, Inc. The motion was unanimously carried.

Mr. Trader made a motion, seconded by Mr. Barrie to approve the Texas Hold Em Poker Tournament permits for: Police Unity Tour, Inc., Fundraising Committee, Smyrna Lions Club, Delaware Veterans Inc Post II, Delaware Stars Youth Ice Hockey Assoc., Townsend Fire Company, and Clayton Fire Company No 1, Inc. Mr. Barrie, Ms. Messina, and Mr. Trader voter in favor. Mr. Greene abstained. The motion carried.

Mr. Barrie made a motion, seconded by Mr. Trader to approve the Original Charitable Gambling permits for: Roxana Volunteer Fire Company, and Bethany Beach Volunteer Fire Company. Mr. Barrie, Ms. Messina and Mr. Trader voted in favor. Mr. Greene abstained. The motion was carried.

Ms. Messina made a motion, seconded by Mr. Barrie to approve the Charitable Gambling Event permits for: Laurel Fire Department, Bowers Fire Company, Inc., Cape Henlopen Elks #2540, South Bowers Fire Company, Kiwanis Club of Dover. The motion was unanimously carried.

Mr. Barrie made a motion, seconded by Mr. Trader to approve the Charitable Gambling Event applications for: Delaware Stars Youth Ice Hockey Assoc., Delaware Veterans Inc Post #2, Smyrna Lions Club, Ladies of the Elks Dove Post #1903, Little Creek Fire Company, Mamie A. Warren Senior Center, and Frederica Fire Company. Mr. Barrie, Ms. Messina and Mr. Trader voted in favor. Mr. Greene abstained. The motion carried.

Mr. Barrie made a motion, seconded by Mr. Trader to approve the bingo event applications for: Nanticoke Senior Center, Inc., Frederica Spring Creek Lions, Oblates of St. Francis DeSales, New Castle Moose Family Center #1578, Bowers Fire Company Ladies Auxiliary, Millsboro Fire Co Ladies Auxiliary, Milford Elks Lodge No 2401, Mill Creek Fire Com Auxiliary, Clayton Fire Company No 1, Inc., Blades Volunteer Fire Company, Ladies of the Milford Elks #2401, Indian River Vol. Fire Co., Inc., Magnolia Fire Company Ladies Auxiliary, Lewes Senior Center, and Cape Henlopen Elks #2540. The motion was unanimously carried.

Ms. Messina made a motion, seconded by Mr. Barrie to approve the raffle applications for: Salesianum School, Inc, and March of Dimes Birth Defects Foundation. The motion was unanimously carried.

#### Ratification of Assignments –

22-37-08(reassigned)

Deborah Messina

Contact Person

Closed Complaints – None

Correspondence - None

Issuance of identification cards –The cards will be available within two weeks. At this time several photographs are still needed.

**Other Business (for discussion only)**

It was brought to the attention of the Board that the After Occasion Report says winnings of \$600.00 must be reported on W2G form. This will be corrected as the IRS Regulations for tournament poker read winnings over \$5,000.00.

It was brought to the attention of the Board that minor complaints are being sent to the AG's office which result in hearings. Mr. Collins advised that other Board's are currently issuing letters of warning instead of holding hearings on smaller issues.

**Public Comment**

Rev. Dulin – the biggest load has already been answered about the W2G – the 1099 forms. He has another issue with the new form, why is it essential to get the names of the winners. They are not going to want to give out their names. He believes this will be a deterrent to players playing. This is on "exhibit c".

Mr. Willard - Title 28, section 1140 says that the name and address must be supplied of expense providers; this applies to charitable gambling and bingo.

Mr. Tobin - if the public engages in charitable gambling and it is not required by the IRS to issue a W2G, then why is the state going to all of this trouble?

Mr. Willard – I can't answer why the legislature made this ruling, but if it is a ruling it must be abided by.

Mr. Hogan – my concern is the IRS website is contradictory to this.

Mr. Greene - can the board make some changes to clear this up.

Mr. Willard - yes we can do this.

Mr. Greene - we are trying to make changes to make it easier and not harder. We will revisit the applications and clear up any discrepancies.

Mr Tobin - if we buy a bracelet then we have to list that persons name as it is an expense.

Mr. Willard – no the expense would be from who you paid for the bracelets, who is the vendor.

Mr. Hogan – is there any consideration on why the fee remains \$250 – why can't the fee go down after you have more tournaments.

Ms. Messina – the fee is set by the legislature, and can not be changed.

Mr. Hogan – why don't investigators go out to the tournaments?

Ms. Messina – that is under the Division of Professional Regulation

Mr. Hogan - I'll take this up with the politicians.

Ms. Messina – I work at Legislative Hall, and they proposed changing the alcohol fees which haven't changed since 1955 – our fees are actually very low. If you ask to lower our fees, you may find they are increased in this economy.

Millville Fire Co. Rep. – the \$250 isn't that bad, but if you keep raising the fees you may find that not a lot of people come out to the Texas Hold'Em events. Everything is done to discourage the casual poker player from getting out of his lounge chair and going to the fire company giving them \$100.00 for poker.

Mr. Greene – I consider a 42% hit to the fire companies a big hit.

Millville Fire Co. Rep. – when you start putting restrictions on the players asking what they win, you are losing the players. They will not show up.

Mr. Greene - we don't know what the problems are until we hear them, don't get excited in here. If we hear of something we will try to help you.

Rev. Dulin – we tried telling you this the last time, you didn't listen to us.

Mr. Greene – yes, we did listen to you we took out what you didn't want at the last meeting.

Ms. Messina – we are trying to do what the nonprofits need to help them but when the statute says xyz, we have to follow it regardless of how we feel.

Rev. Dulin – as a volunteer you know how hard it is to get things done, I ran a church for 20 years and it was difficult getting the congregation to do things also. That is why we wanted a workshop, so we could teach people how to fill in the applications.

Ms. Messina – our goal was to uniform the applications so if an organization did one they could fill out another one.

Rev. Dulin – the workshop would orient them as to how to do the application the right way.

Mr. Greene – I go to all the DVA meetings, haven't missed one in 1 ½ years and only once have I been approached about anything.

Mr. Trader – it is up to the organization to research this.

Rev. Dulin – a little workshop can solve a lot of problems.

Mr. Tobin – I think the spirit in the application is appreciated, but like anything we have to adjust to it. On the Texas Hold'Em application #3 group exemption from parent organization, if I provide you with this once and it is on file am I good?

Mr. Willard – that is the intent, yes if it is on file it is good until it changes.

Ms. Messina – if the Division has your information on file and we can check it, you are good to go until you make changes and then you will have to reflect such.

Mr. Tobin – Will the letter that we are an affiliate and this is approved for our fundraising efforts suffice?

Mr. Greene – a blanket letter that authorizes you to have Texas Hold'Em would suffice.

Mr. Greene – Once you get everything in for the future will only need the application and fees.

Mr. tobin – the after occasion is very helpful coming with the application.

Mr. Hogan – I know Delaware politics, what is the chance of raising the tournament prize. If it is a big tournament the players are getting gypped. What is the chance of increasing the limits? If you get enough you should be able to pay more.

Mr. Greene – get in touch with your Legislators.

Rev. Dulin we had a petition with over 200 names before and nothing came about of it.

Ms. Messina – Bills 447 and 448 will be reintroduced in January 2009.

Mr. Greene – we didn't want to cram everything into this bill and have one thing shoot it down. We can go back later.

Mr. Hogan – who is the sponsor?

Ms. Messina – Representative Lee and Senator Ennis

Mr. Hogan – I know who to get in touch with.

Ms. Messina –the board and the Division worked very hard on getting the bills through. It was a joint effort. We just didn't make it this time. She suggested if we need to do anything with this legislation, since it has to be reintroduced, we should have another workshop.

Rev. Dulin – will the public be invited to the workshops?

Ms. Messina – it was on the website and was posted in the newspaper.

Rev. Dulin – it took me ½ day to find the calendar last month.

Mr. Willard – a lot of people aren't skilled with computers.

Rev. Dulin - I may not be able to use one much longer since last week I had a stroke.

Ms. Talley - regarding the letter from the group organization it is not clear, will changes be made to the applications indicating that it is only needed once.

Ms. Talley – there is nothing on the applications about house rules being needed. I thought we weren't requiring this anymore.

Rev. Dulin – I thought that it was overlooked and should be on the applications in the future.

Ms. Messina – The house rules and a letter that they will abide by the house rules are needed. This needs to be added to the applications.

Mr. Willard – You still need a tax letter dated after 1985.

Mr. Tobin – the biggest challenge to me is the timeframe in which you are requiring anything to be in, it is something that can be difficult on a volunteer organization. I don't have a firehouse to plug in the event; I have to find a facility. But that's my problem. Getting an authorization letter from my parent organization every time is laborious. I'm just putting it out there to you and not looking for an answer.

Mr. Willard – if you have a letter on file from parent organization that says they are okay with them, then that letter would work for multiple events.

Ms. Messina – I would be satisfied if the letter stated Texas Hold'Em or bingos are okay with them.

Mr. Greene – Mr. Mancus has retired and is replaced by Ms. Sharon McDowell. She will be at the next meeting in August.

Mr. Willard – I will not be at the August meeting but Mr. Spizzirri will be.

Ms. Messina – I have some things to chew on – first off, applicants and third party vendors – we are trying to get the word out for everyone to check the website, it states that old applications are not accepted. And, We have rule #5.3 which says ...owned or regularly leased by.... As far as I know all applications received for events off site have never submitted a letter as to why they are not using their own building/facility. Why are they choosing to go somewhere else? The board can deny any event on other premises... the function shall be held on premises owned or regularly leased... this clearly states a separate letter is needed. From this point forward this should be happening.

Mr. Tobin – in the same spirit I will also say if we have a regular place, do we need a letter each time?

Ms. Messina – yes, they must supply a letter each and every time.

Mr. Tobin – that is between the charity and the building owner.

Mr. Willard – we need to know that it is okay as we approve the whole application

Rev. Dulin – the inspectors need to know where to go

Ms. Messina –yes, the inspectors need to know where to go

Mr. Willard – Ms. Messina is speaking of another issue at this moment.

Ms. Messina – I would like to see this all followed through at this time.

Ms. Messina – the third party vendors are completing the applications for the vendors, rule 4.0 is not new it is in the Rules and Regulations. No person directly or indirectly...shall assist in the conduct of function...including preparation of forms relating thereto. This should be upheld. If the organization is in the know because they are doing their own forms they will know what is going on.

Rev. Dulin – I didn't know this, I was in the wrong and will send out an email to organizations advising of such.

Ms. Messina – the groups that are holding events off premises must have a member present at all events they hold.

Ms. Messina – we had an advertisement about side cash games – organizations that are holding dual events, I would like to know if the events are on separate premises because 18-20 year olds can not go into Texas Hold'Em but can charitable gambling. If we had a premise that was open air are they truly separating the participants, it is a requirement by law and we want to assure it is happening. If they get caught complaints are going to be filed.

Mr. Tobin – we will mark off an area using tape, does that satisfy what you are looking for?

Mr. Willard – you are saying they are in the same room – just marked off for charitable gambling. The concern is if you let 18 year olds in you have to show how you separate and how you enforce – they can't be on the same premises, which is the law. It must be really separate and apart.

Mr. Greene – the board has been lax for charitable gambling, there must be one member dealing per table we are trying to work with you and not against you. If an inspector went in there I am sure you would be in violation.

Mr. Hogan – I do have enough.

Ms. Messina - it is in the rules and the laws and I am done.

### **Next Meeting Date**

The Board will hold a meeting on August 7, 2008 at 1:00 p.m. in Conference Room B of the Cannon Bldg, 861 Silver Lake Blvd, Dover, Delaware, 19904.

### **Adjournment**

Mr. Trader made a motion, seconded by Ms. Messina to adjourn. The motion unanimously carried. The meeting adjourned at 2:38 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Debbie Heinsch".

Debbie Heinsch  
Administrative Specialist II